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Janne J. Kallio

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JANNE J. KALLIO, TERO RANTALA, MARKKU RAUTIOLA,  
PEKKA RISSANEN, KARI TUOVINEN, JAN PARKKINEN,  
ALEXANDER ESSER, and PHILIP WESBY

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Appeal 2008-1445  
Application 10/070,411  
Technology Center 2600

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Decided: August 13, 2008

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Before JOHN C. MARTIN, LEE E. BARRETT, and ROBERT E. NAPPI,  
*Administrative Patent Judges.*

MARTIN, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

1           This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final  
2 rejection of claims 1-10, 13-28, and 30 under 35 U.S.C. § 103(a).<sup>1</sup> No  
3 claims have been allowed.

4           We have jurisdiction under 35 U.S.C. § 6(b).

5           We REVERSE.

6  
7       *A. Appellants' invention*

8           Appellants' invention relates to setting an operating frequency in a  
9 network, which can be a wireless telecommunications network such as a  
10 cellular radio network (Specification 1:2-3<sup>2</sup>).

11          Appellants' Figure 1 is reproduced below.

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<sup>1</sup> Claim 29, which was finally rejected under 35 U.S.C. § 112 (Final Action 2), was canceled by an Amendment filed with the Brief and approved for entry by the Examiner in the July 30, 2007, Advisory Action.

<sup>2</sup> All references herein to the Specification are to the Specification as filed.

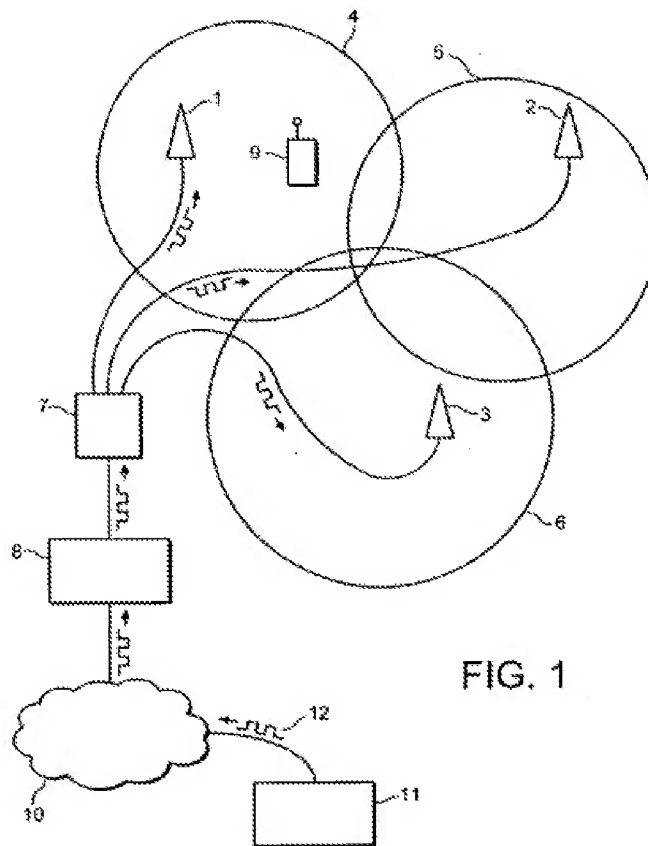


FIG. 1

Figure 1 shows schematically the configuration of a typical wireless cellular telecommunications network (Specification 1:4-5).

The network shown in Figure 1 includes base-stations 1, 2, and 3, each of which has a radio transceiver capable of transmitting radio signals to and receiving radio signals from the area of associated cells 4, 5, and 6 (*id.* at 1:6-8). By means of these signals the base-stations can communicate with a terminal 9, which may be a mobile station (MS) in the associated cell and which also includes a radio transceiver (*id.* at 1:8-10). Each base station is connected via a base station controller (BSC) 7 to a mobile switching centre

1 (MSC) 8, which is linked in turn to the public telephone network (PSTN) 10  
2 (*id.* at 1:10-12).

3 In networks that operate according to the GSM (Global System for  
4 Mobile communications) standard, base stations must maintain a relative  
5 frequency accuracy of  $5 \times 10^{-8}$  on the air interface between them and mobile  
6 stations (*id.* at 1:18-20). While this accuracy can be achieved by providing a  
7 highly accurate clock at each base station, clocks of the required accuracy  
8 would generally be too expensive for this approach to be economical (*id.* at  
9 1:20-23).

10 In commercial networks the normal solution is to implement a single  
11 central highly accurate reference clock (11 in figure 1) for the network (*id.* at  
12 1:24-25). A clock signal from this clock is then conveyed as a pulse train  
13 (12 in Fig. 1) along the national telephone backbone, and then along the  
14 GSM infrastructure (via the MSC and the BSC) to each base station (*id.* at  
15 1:25 to 2:1). This method has a number of drawbacks, one of which is that a  
16 failure in the network carrying the pulses will result in a loss of  
17 synchronization (*id.* at 2:13-16). Another drawback is that if part of the  
18 transmission chain to the base station runs across a non-clocked network,  
19 there may be very significant jitter in the pulse train received at the base  
20 station (*id.* at 2:17-19).

1 Appellants' Figure 3 is reproduced below.

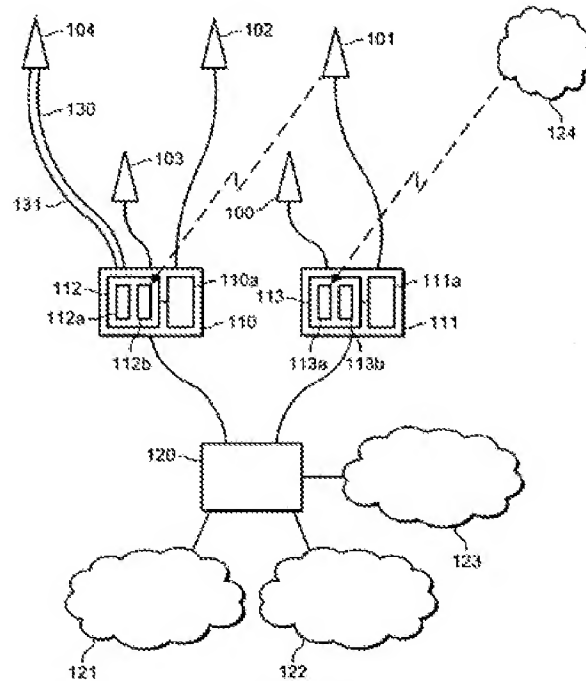


FIG. 3

2  
3 Figure 3 shows schematically one example of the possible  
4 architectures of an IP-network-based cellular architecture in accordance with  
5 Appellants' invention (*id.* at 8:12-13).

6 The system depicted in Figure 3 includes sets or clusters of base  
7 stations 100-104 under the control of respective IMC (intranet mobile  
8 cluster) units 110, 111 (*id.* at 8:14-15). The IMC units are linked to a  
9 gateway unit (GWU) 120 through which the network as shown can be  
10 connected to an external public telephone network, a cellular network, and  
11 an IP network 123 (*id.* at 8:15-20). IMCs 110 and 111 contain  
12 synchronization units 112 and 113, respectively, each comprising a receiver

(112a, 113a), an analysis unit (112b, 113b), and a frequency setting unit (110a, 111a) for setting the frequencies of base stations 100-104 (*id.* at 8:30 to 9:3). The reference cluster, which includes IMC 111 and base stations 100 and 101, can be set by a highly accurate reference clock or, as illustrated, one or more clusters can set their frequencies by reference to signals received from an external radio telephone network 124 (*id.* at 9:3-6). Figure 3 shows receiver 113a in BSC 111 receiving a signal from an overlapping cellular network 124 for synchronizing base stations 100 and 101, and shows receiver 112a in IMC 110 receiving a signal from base station 101 for synchronizing base stations 102-104 (*id.* at 9:6-9).

*B. The claims*

The independent claims are claims 1, 17, 20, 22-24, 27, and 30.

Claim 1 reads:

1. A frequency setting unit for a radio telecommunications network wherein base stations transmit at an accurately set frequency derived from a reference signal, the frequency setting unit comprising:

a radio receiver for receiving signals at a first frequency from a first base station located in a first radio telecommunication network;

an analysis apparatus for analysing the received signals to determine the first frequency; and

a frequency setting apparatus responsive to the analysis apparatus and coupled to a second base station transmitting at a second frequency, located in a second radio telecommunication

1 network, for adjusting the second frequency with the aim of  
2 establishing a desired relationship between the second  
3 frequency and the first frequency.

4 Br. 11, Claims App.

5

6 *C. The references and rejections*

7 The Examiner relies on the following references:

8 Gass et al. (Gass) US 4,774,704 Sep. 27, 1988

9 Toda et al. (Toda) US 5,448,570 Sep. 5, 1995

10 Matsuno US 5,613,211 Mar. 18, 1997

11 Lu et al. (Lu) US 5,761,195 Jun. 2, 1998

12 Bauchot et al. (Bauchot) US 6,141,336 Oct. 31, 2000

13 Soliman US 6,671,291 B1 Dec. 30, 2003  
14 (filed Jul. 21, 1999)

15

16 Claims 1-5, 7, 8, 10, 14-17, 22-25, 27, 28, and 30 stand rejected under  
17 35 U.S.C. § 103(a) for obviousness over Soliman in view of Bauchot  
18 (Answer 5-6<sup>3</sup>).

19 Claims 6 and 9 stand rejected under § 103(a) for obviousness over  
20 Soliman in view of Bauchot and Gass (*id.* at 7).

21 Claim 13 stands rejected under § 103(a) for obviousness over Soliman  
22 in view of Bauchot and Toda (*id.*).

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<sup>3</sup> References to the Answer are to the Examiner's Answer mailed June 8, 2007.



Claims 18 and 26 stand rejected under § 103(a) for obviousness over Soliman in view of Bauchot and Matsuno (*id.* at 8).

Claims 19 and 20 stand rejected under § 103(a) for obviousness over Soliman in view of Bauchot and Lu (*id.*).

Claim 21 stands rejected under § 103(a) for obviousness over Soliman in view of Bauchot, Lu, and Matsuno (*id.* at 9).

## THE ISSUE

The issue is whether Appellants have shown reversible error by the Examiner in maintaining the rejection. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) (“On appeal to the Board, an applicant can overcome a rejection by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.”) (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)). Appellants argue that the Examiner has failed to provide a rationale for combining the teachings of Soliman and Bauchot.

## ANALYSIS

### A. Principles of law

“[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). A rejection under 35 U.S.C. § 103(a) must be based on the following factual determinations:

1 (1) the scope and content of the prior art; (2) the level of ordinary skill in the  
2 art; (3) the differences between the claimed invention and the prior art; and  
3 (4) any objective indicia of non-obviousness. *DyStar Textilfarben GmbH &*  
4 *Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir.  
5 2006) (citing *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966)).

6 “The combination of familiar elements according to known methods is  
7 likely to be obvious when it does no more than yield predictable results.”  
8 *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161 (Fed. Cir.  
9 2007) (quoting *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1739 (2007)).

10 Discussing the obviousness of claimed combinations of elements of prior  
11 art, *KSR* explains:

12 When a work is available in one field of endeavor, design  
13 incentives and other market forces can prompt variations of it,  
14 either in the same field or a different one. If a person of  
15 ordinary skill can implement a predictable variation, §103  
16 likely bars its patentability. For the same reason, if a technique  
17 has been used to improve one device, and a person of ordinary  
18 skill in the art would recognize that it would improve similar  
19 devices in the same way, using the technique is obvious unless  
20 its actual application is beyond his or her skill. *Sakraida* [*v. AG*  
21 *Pro, Inc.*, 425 U.S. 273 (1976)] and *Anderson's-Black Rock* [*,*  
22 *Inc. v. Pavement Salvage Co.*, 396 U.S. 57 (1969)] are  
23 illustrative—a court must ask whether the improvement is more  
24 than the predictable use of prior art elements according to their  
25 established functions.

26 *KSR*, 127 S. Ct. at 1740. If the claimed subject matter “involve[s] more than  
27 the simple substitution of one known element for another or the mere

1 application of a known technique to a piece of prior art ready for the  
2 improvement,” *id.*,

3 it will be necessary . . . to look to interrelated teachings of  
4 multiple patents; the effects of demands known to the design  
5 community or present in the marketplace; and the background  
6 knowledge possessed by a person having ordinary skill in the  
7 art, all in order to determine whether there was an apparent  
8 reason to combine the known elements in the fashion claimed  
9 by the patent at issue.

10 *Id.* at 1740-41. “To facilitate review, this analysis should be made explicit.”

11 *Id.* at 1741. That is, “there must be some articulated reasoning with some  
12 rational underpinning to support the legal conclusion of obviousness.” *Id.*  
13 (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). *See also*  
14 *PharmaStem Therapeutics Inc. v. ViaCell Inc.*, 491 F3d 1342, 1360 (Fed.  
15 Cir. 2007) (proponent of obviousness based on combination of references  
16 must show “that a person of ordinary skill in the art would have had reason  
17 to attempt to make the composition or device, or carry out the claimed  
18 process, and would have had a reasonable expectation of success in doing  
19 so.”) (citations omitted).

20 The motivation for combining reference teachings is not limited to the  
21 problem the patentee was trying to solve: “[A]ny need or problem known in  
22 the field of endeavor at the time of invention and addressed by the patent can  
23 provide a reason for combining the elements in the manner claimed.” *In re*  
24 *ICON Health and Fitness Inc.*, 496 F.3d 1374, 1380 (Fed. Cir. 2007)  
25 (quoting *KSR*, 127 S. Ct. at 1742).

1           The motivation to combine or modify reference teachings can be  
2 based on common knowledge or common sense rather coming from the  
3 references themselves. “[T]he [obviousness] analysis need not seek out  
4 precise teachings directed to the specific subject matter of the challenged  
5 claim, for a court can take account of the inferences and creative steps that a  
6 person of ordinary skill in the art would employ.” *KSR*, 127 S. Ct. at 1741.

7           Furthermore, a reference may be understood by the artisan to be  
8 suggesting a solution to a problem that the reference does not discuss. *See*  
9 *KSR*, 127 S. Ct. at 1742 (“The second error of the Court of Appeals lay in its  
10 assumption that a person of ordinary skill attempting to solve a problem will  
11 be led only to those elements of prior art designed to solve the same  
12 problem. . . . Common sense teaches . . . that familiar items may have  
13 obvious uses beyond their primary purposes, and in many cases a person of  
14 ordinary skill will be able to fit the teachings of multiple patents together  
15 like pieces of a puzzle. . . . A person of ordinary skill is also a person of  
16 ordinary creativity, not an automaton.”).

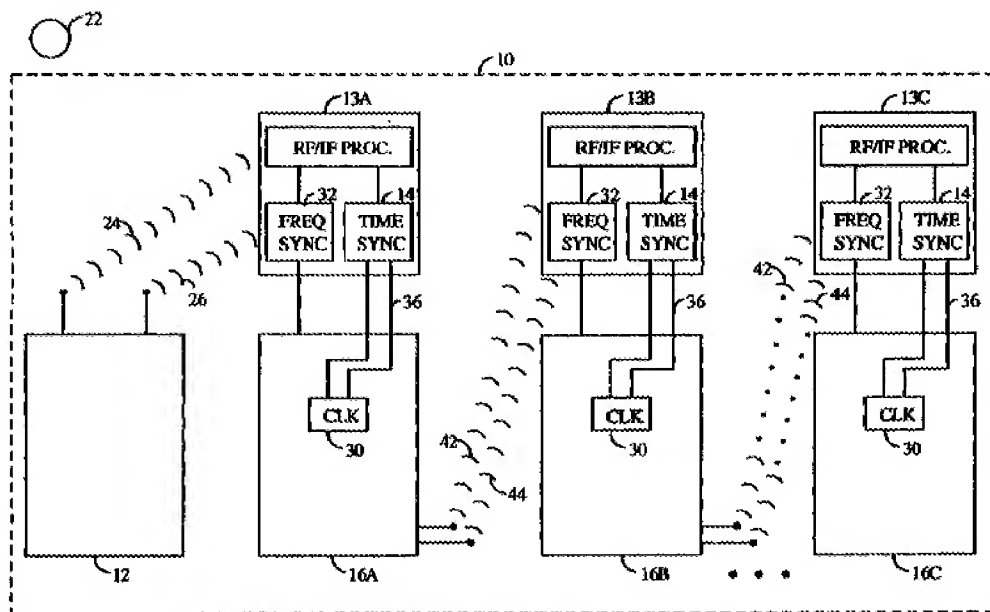
17  
18 *B. The merits of the Examiner’s rejection of claim 1*

19           Soliman discloses a method and apparatus for sequentially  
20 synchronized timing and frequency generation in a communication network  
21 (Soliman, col. 1, ll. 9-13).

22           Soliman notes that the majority of IS-95 and Code Division Multiple  
23 Access (CDMA) deployments operate on GPS (Global Positioning System)

time in order to gain a universal time reference for synchronization and in order to gain the benefits which follow from synchronization (*id.*, col. 1, ll. 22-26). However, an increasing number of network operators find dependence on the GPS undesirable, and the need to make a GPS measurement at each base station adds increased cost and additional time consumption to the wireless network (*id.*, col. 1, ll. 26-30).

Figure 1 of Soliman is reproduced below.



**FIG. 1**

Figure 1 is a block diagram illustrating a communication network 10 that includes a sequential timing and frequency synchronization system in accordance with Soliman's invention (*id.*, col. 3, ll. 58-61).

The timing/frequency synchronization system shown in Figure 1 includes a first parent station 12 and also includes secondary child stations

1 16A-16C having respective time/frequency transfer units 13A-13C (*id.*,  
2 col. 3, ll. 61-66; col. 7, l. 49).<sup>4</sup> First parent station 12 and child stations  
3 16A-C may, for example, represent base stations in a wireless access system  
4 such as a CDMA wireless access (*id.*, col. 3, l. 66 to col. 4, l. 2).

5 First parent station 12, which maintains reasonably accurate time and  
6 frequency values to which the communication network is to be synchronized  
7 (*id.*, col. 4, ll. 27-31), transmits a pilot signal 24 and SYNC channel message  
8 26 to first child station 16A (*id.*, col. 4, ll. 36-38). The SYNC channel  
9 message represents system time value, which “may be generated at the first  
10 parent station **12**, or may be received at the first parent station from a remote  
11 source **22**” (*id.*, col. 4, ll. 31-33), such as a GPS time source or a standard  
12 time source (*id.*, col. 4, ll. 33-35).

13 Pilot signal 24 has greater relevance to the claimed invention than  
14 does the SYNC channel message. Pilot signal 24 is transmitted at a first  
15 frequency (e.g., 10 MHz) (*id.*, col. 2, ll. 39-46) and used to synchronize the  
16 first child station to the parent station (*id.*, col. 2, ll. 46-50). Once the  
17 frequency of the first child base station has been synchronized as described  
18 above, the first child base station begins transmitting the translated pilot  
19 signal to a further child base station, thereby causing the first child base  
20 station to become a further (second) parent base station, and so on until all of

---

<sup>4</sup> The Specification uses lower case versions of the alphanumeric reference numerals that appear in the drawings (*see, e.g.*, col. 4, l. 40).

the base stations are synchronized in frequency (*id.*, col. 2, ll. 50-62). In a preferred embodiment, the pilot signals and pilot channels used for this aspect of the invention correspond to the pilot signals and channels defined in the IS-95A standard (*id.*, col. 2, ll. 62-65).

Soliman's Figure 2 is reproduced below.

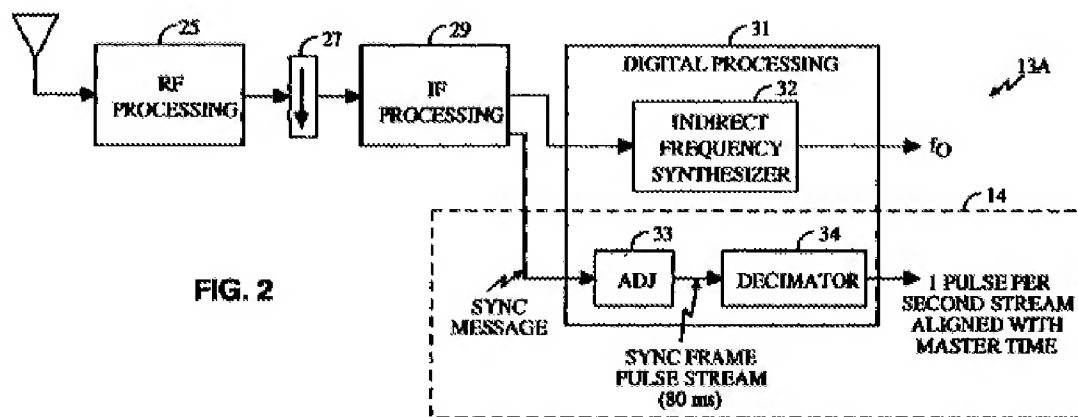


Figure 2 is a block diagram illustrating components in an exemplary time/frequency transfer unit for synchronizing the absolute system time and frequency of a child base station to that of a parent base station (*id.*, col. 3, ll. 27-31).

Pilot signal 24 and SYNC message 26 are received by RF processing circuitry 25, downconverted by downconverter 27, and further processed by IF processing circuitry 29 (*id.*, col. 4, ll. 63-67). The indirect frequency synthesizer circuit 32 downconverts the center frequency of the pilot signal 26 sent from parent station 12 to a common reference center frequency ( $f_{\text{master}}$ ) (*id.*, col. 7, ll. 1-4). After the center frequency of the pilot signal has been translated to the correct system frequency reference, the first child

1 station 16a becomes a second parent station 16a (for purposes of  
2 synchronizing frequency through network 10) because station 16a is now  
3 synchronized to the reference center frequency (*id.*, col. 7, ll. 8-14). Second  
4 parent station 16a may then begin transmitting a pilot signal 44 having a  
5 center frequency aligned with the reference frequency to a second  
6 time/frequency transfer unit 13b coupled to a further child station 16b (*id.*,  
7 col. 7, ll. 14-19).

8 The Examiner found that Soliman satisfies all of the limitations of  
9 claim 1 except that “Soliman does not specifically disclose that the second  
10 BTS [*sic*, base station] is located in a second radio telecommunication  
11 network” (Answer 5). Appellants appear to agree with this finding. *See*  
12 Br. 5 (“The Office acknowledges that Soliman fails to disclose or suggest a  
13 second base station transmitting at a second frequency, located in a second  
14 radio telecommunications network, as recited in claim 1, and relies on  
15 Bauchot for this teaching.”). Although the Examiner did not explain how  
16 the remaining claim language is being read on Soliman, it would appear that  
17 the Examiner is reading the recited first base station on, for example, parent  
18 station 12. The time/frequency transfer unit 13A in child base station 16A  
19 includes a radio receiver, analysis apparatus, and frequency setting apparatus  
20 (see Fig. 2) for adjusting the frequency of clock 30 in the base station in  
21 response to signals received from parent station 12. However, parent station  
22 12 and child station 16A are part of the same radio telecommunication



1 network rather than located in different radio telecommunication networks,  
2 as required by the claim.

3 For a teaching of synchronizing different networks, the Examiner  
4 relies on Bauchot, which discloses a delay-oriented traffic scheduling  
5 method for the control of such communication between an Asynchronous  
6 Transfer Mode (ATM) network and a synchronous transfer mode network  
7 (Bauchot, col. 1, ll. 10-14). In the “Background of the Invention” Bauchot  
8 notes that “[b]y marrying these two technologies, wireless ATM networks  
9 provide ATM benefits to users working with portable terminals, supporting  
10 multimedia applications for mobile users” (*id.*, col. 1, ll. 50-52). “But the  
11 wireless and ATM technologies significantly differ on several important  
12 transmission characteristics” (*id.*, col. 1, ll. 54-5), which are described at  
13 column 1, line 56 to column 2, line 2. Bauchot further explains that

14 [t]he best solution is described in the European patent  
15 application 96 480047.8 which relates to a MAC protocol for  
16 wireless radio frequency access for a plurality of ATM mobile  
17 terminals to an ATM access point. This protocol is based on a  
18 time division structure in which time is slotted, and time slots  
19 are grouped into variable length time frames consisting of  
20 downlink time slots and uplink time slots. The variable length  
21 time frames consist[] of three periods (DOWN,  
22 UP\_\_RESERVED, UP\_\_CONTENTION). . . . The allocation  
23 of the time slots in the DOWN and UP\_\_RESERVED periods  
24 is performed by the Access Point, and depends on the service  
25 class and QoS parameters of each established ATM connection  
26 between the Mobile Terminals and any ATM station according

1           to different priority levels derived from the ATM contract  
2           parameters.

3    *Id.*, col. 2, ll. 27-47. However,

4           such a system does not take into account the cell delay tolerance  
5           depending on the arrival time of the cells. In other words, this  
6           system takes only the priority to each connection into account  
7           based on its service class, but not the delay constraints of the  
8           individual connections in the order of slot allocation per  
9           connection.

10   *Id.*, col. 2, ll. 47-52.

11        Bauchot's digital communication system comprises: (1) a first  
12    network based on an asynchronous transfer mode and comprising at least  
13    one asynchronous terminal; (2) a second network based on a synchronous  
14    transfer mode and comprising a plurality of synchronous terminals; and (3)  
15    at least a base station having a transceiver for carrying out the exchange of  
16    data cells consistently communicating data from the asynchronous terminal  
17    to at least one of the plurality of synchronous terminals and data cells from  
18    one of the plurality of synchronous terminals to at least one asynchronous  
19    terminal (*id.*, col. 2, l. 61 to col. 3, l. 4). Furthermore, the base station  
20    defines a sequence of time frames during which data is exchanged, with each  
21    time frame being divided into a down period for contention-free downlink  
22    transmission, an up period for contention-free uplink transmission, and a  
23    contention period for contention-based uplink transmission (*id.*, col. 3, ll. 4-  
24    9). Finally, Bauchot's method for scheduling the contents of each time  
25    frame comprises the following steps:

- 1           a) allocating slots to the data cells to be exchanged  
2           during a connection between one of the synchronous and one of  
3           the asynchronous terminals, with said slots being the closest  
4           possible in time of a deadline for the connection determined as  
5           being the time after which the required quality of service of the  
6           connection is not met,  
7           b) building the down period by using the cell trains  
8           which have been formed for each connection during step a),  
9           c) building the up period by using the cell trains which  
10          have been formed for each connection during step a), and  
11          d) providing a predetermined number of time slots for the  
12          contention period.

13   *Id.*, col. 3, ll. 9-24.

14          The Examiner concluded that “Bauchot discloses wherein the second  
15   base station is connected to another telecommunications network (see col. 2,  
16   line 61 - col. 3, line 10), thereby permitting to communicate between [sic]  
17   the stations of different networks” and that “[t]herefore, it would have been  
18   obvious to one of the ordinary skill in the art at the time of the invention to  
19   add this teaching to the Soliman apparatus for being able to adjust one  
20   network to cooperate with the other network” (Answer 5-6). More  
21   particularly, the Examiner explained that

22          Soliman is directed to synchronizing time and frequency in a  
23          communication network (see col. 1, lines 9-13) and Bauchot is  
24          directed to synchronize timing between different  
25          communication networks (see col. 1, lines 9-14); since both  
26          references are directed to same problem of synchronization and  
27          analogous it would be obvious to one of the ordinary skill in the  
28          art at the time of invention to combine both teachings.

1 | Answer 9-10. We agree with Appellants (Reply Br. 2<sup>5</sup>) that because  
2 Bauchot relates to synchronizing the transmission of data packets between  
3 two networks rather than synchronizing frequencies used in the two  
4 networks, the artisan would not have been motivated to combine the  
5 teachings of Bauchot and Soliman in the manner proposed by the Examiner.  
6

7 We also agree with Appellants that Examiner is incorrect to state that  
8 “the idea of providing the delay [in Bauchot] is to match the time slot  
9 (synchronizing) of the second network, thereby it is synchronizing the time  
10 slot between the two different networks (see col. 2, line 61- col. 3, line 24;  
11 col. 2, lines 27-52)” (Answer 10). As correctly noted by Appellants,

12 the transfer of data cells between the asynchronous and  
13 synchronous networks in Bauchot is not based on matching  
14 time slots between different networks, i.e. synchronization, but  
15 instead scheduling is based on the quality of service for each  
16 connection. *See e.g.* Bauchot column 5, lines 56-58 (the  
17 scheduler gives a priority to each connection based on its  
18 service class).

19 Reply Br. 3.

20 As an additional argument for motivation, the Examiner (Answer 11)  
21 relies on the mention of “handoff reliability” in following passage in  
22 Soliman:

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<sup>5</sup> References to the Reply Brief are to the Reply Brief filed August 8, 2007.

(Continued on next page.)

1           In a wireless access system, the synchronization of time  
2           and frequency of transmissions are of paramount importance.  
3           Transmissions that are synchronized and share a known time  
4           and frequency reference provide improved system acquisition,  
5           simplified mobile station searching, improved handoff  
6           reliability, improved handset standby time, and facilitated  
7           location and position searching.

8           Soliman, col. 1, ll. 15-21. Citing this passage, the Examiner stated that one  
9           of ordinary skill in the art would have looked “in the Bauchot reference in  
10          order to accomplish a handoff between networks” (Answer 11). We agree  
11          with Appellants that this reliance is misplaced because

12          Bauchot makes no mention or suggestion of performing  
13          handoffs, and instead only addresses establishing  
14          communication between a terminal in an asynchronous network  
15          with a terminal in a synchronous network. Bauchot does not  
16          disclose or suggest a terminal traveling between different  
17          networks, and thus requiring a handoff to take place in order for  
18          the terminal to continue communicating.

19          Reply Br. 3.

20          Because, for the foregoing reasons, the Examiner has failed to provide  
21          a convincing rationale for the proposed combination of teachings of Soliman  
22          and Bauchot, which is the basis for all of the rejections, the rejections are  
23          reversed.

1 DECISION

2 The Examiner's decision that claims 1-10, 13-28, and 30 are  
3 unpatentable under 35 U.S.C. § 103(a) over the applied prior art for the  
4 reasons given by the Examiner is reversed.

5

6 REVERSED

7

8

9 MAT

10

11

12

13 Ware Fressola Van Der Sluys & Adolphson, LLP  
14 Bradford Green, Building 5  
15 755 Main Street, PO Box 224  
16 Monroe, CT 06468